

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION	DOCKET No.:	51186
OF: HÖSSEL ET AL.	CONFIRMATION No.:	8957
SERIAL No. 09/771,595	GROUP ART UNIT:	1617
FILED: JANUARY 30, 2001	EXAMINER:	L. SOROUSHI
FOR: COSMETIC OR DERMATOLOGICAL SUNSCREEN PREPARATIONS		

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S U B M I S S I O N

Sir:

In reply to the Notice of Non-Compliant Amendment of April 28, 2009, it is respectfully requested that the following request for reconsideration be entered and considered for further prosecution of the above-identified application.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,
NOVAK DRUCE DELUCA + QUIGG

/James Remenick/ James Remenick
Reg. No. 36,902

Customer No.: 26474
1300 Eye Street, N.W.
Suite 1000 West Tower
Washington, D.C. 20005
(202) 659-0100

JR/BAS

090429

REQUEST FOR RECONSIDERATION

In accordance with the Notice applicants' paper of January 09, 2009, was deemed to be non-compliant because:

- amended paragraph(s) did not include markings (No. 1.A. of form PTOL-324); and
- the amendment was unsigned or not signed in accordance with 37 C.F.R. §1.4 (No. 5. of form PTOL-324).

It is respectfully requested that the Notice be withdrawn for having been issued in error.

On the one hand, applicants' paper of January 09, 2009, did not include any amendments of the claims or any other parts of the application. As such, the Notice erred alleging that any amended paragraphs lacked the appropriate markings.

On the other hand, applicants' paper of January 09, 2009, was properly signed electronically. As stated in 37 C.F.R. §1.4(d)(2):

S-signature.

An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by §1.4(d)(1). An S-signature includes any signature made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of §1.4(d)(1). Correspondence being filed in the Office in paper, by facsimile transmission as provided in §1.6(d), or via the Office electronic filing system as an attachment as provided in §1.6(a)(4), for a patent application, patent, or a reexamination proceeding may be S-signature signed instead of being personally signed (i.e., with a handwritten signature) as provided for in paragraph (d)(1) of this section. The requirements for an S-signature under this paragraph (d)(2) of this section are as follows.

(i) *The S-signature must consist only of letters, or Arabic numerals, or both, with appropriate spaces and commas, periods, apostrophes, or hyphens for punctuation, and the person signing the correspondence must insert his or her own S-signature with a first single forward slash mark before, and a second single forward slash mark after, the S-signature (e.g., /Dr. James T. Jones, Jr./); and*

(ii) A patent practitioner (§ 1.32(a)(1)), signing pursuant to §§1.33(b)(1) or 1.33(b)(2), must supply his/her registration number either as part of the S-signature, or immediately below or adjacent to the S-signature. The number (#) character may be used only as part of the S-signature when appearing before a practitioner's registration number; otherwise the number character may not be used in an S-signature.

(iii) The signer's name must be:

(A) Presented in printed or typed form preferably immediately below or adjacent the S-signature, and

(B) Reasonably specific enough so that the identity of the signer can be readily recognized.

(emphasis added). Applicants' representative inserted his own S-signature in accordance with the provisions of 37 C.F.R. §1.4(d)(2)(i), supplied his registration number immediately below the S-signature in accordance with the provisions of 37 C.F.R. §1.4(d)(2)(ii), and the signer's name was presented in printed form immediately adjacent to the S-signature in accordance with the provisions of 37 C.F.R. §1.4(d)(2)(iii)(A). Also, the signer's name is deemed to meet the provisions of 37 C.F.R. §1.4(d)(2)(iii)(B). As such, the Notice also erred alleging that applicants' paper was not signed or not signed in accordance with 37 C.F.R. §1.4.

Therefore, it is respectfully requested that the Notice be withdrawn. Favorable action is solicited.